IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5699 OF 1998
IN
APPEAL FROM ORDER (ST.)NO.403 OF 1998

B.M.C. & Ors. ..Applicants.

V/s.

Fahim Y. Rais & Ors. ..Respondents.

Mrs. Joglekar for BMC.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 28, 2006.

P.C. :

1. Respondent No.1 has already been served. Counsel for the applicant states that respondent No.2 who is contesting party has been duly served. Postal acknowledgement is produced. The same is taken on record. Learned counsel however, points out that respondent Nos.3 and 4 are formal parties who are defendant Nos. 2 and 3 before the trial court. The contesting parties are respondent No.1 and 2 who are duly served.

2. Delay in filing appeal as computed by the office is 142 days. The explanation offered in the application, which has remained uncontroverted, being sufficient cause, application is allowed in terms of

prayer clause (a).

3. Appeal from order be registered and place for admission as per its turn.